

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW MEXICO

RONALD MONTGOMERY,

Plaintiff,

v.

Case No.2:13-cv-00079 LH-SMV

OTIS ELEVATOR COMPANY,

Defendant.

**AGREED PROTECTIVE ORDER REGARDING STANDARD WORK PROCESS AND
NAMES OF OTIS WORKERS REQUESTED IN INTERROGATORY NO. 10**

THIS MATTER having come before the Court upon the stipulation of Ronald Montgomery (“Plaintiff”) and Otis Elevator Company (“Defendant”), together referred to as “the Parties”, in order to preserve and maintain the confidentiality of the Standard Work Process and the names of Otis workers, other than Ronald Montgomery, produced by Otis in its Supplemental Answer to Plaintiff’s Interrogatory No. 10 (“worker names”), the Court hereby finds there is good cause to enter a protective order in this case.

THEREFORE, it is hereby ordered that:

1. The Standard Work Process and worker names shall be “Confidential” in accordance with this Agreed Protective Order and all information derived therefrom shall not be shared with other attorneys or parties in other cases, and shall be used solely in connection with this lawsuit and shall not be used for any other purpose except as otherwise ordered by this Court.

2. The Standard Work Process and worker names may be made available in whole or in part to:

- a. the parties
- b. outside or in house counsel who represent parties in this action, and regular and temporary employees of those counsel assisting in the conduct of this action, for use in accordance with this Agreed Protective Order;
- c. consultants or experts assisting counsel for the parties in this action;
- d. actual or potential deponents or witnesses in this action, and their counsel, during the course of, or to the extent necessary in preparation for, deposition or trial testimony in this action, or to the extent necessary to determine whether they are proper deponents or witnesses in this action; and
- e. the Court in this action and court reporters employed in connection with this action.

3. No disclosure of the Standard Work Process or worker names, other than Ronald Montgomery, shall be made to any person until such person has been provided with a copy of this Agreed Protective Order.

4. Copies of the Standard Work Process and worker names may be made in order to facilitate use in pleadings and at depositions. All such copies shall be treated as “Confidential” and subject to the provisions of this Agreed Protective Order.

5. The Standard Work Process and worker names may be referred to in interrogatory answers, motions, and briefs, and may be used in depositions and marked as deposition exhibits in this proceeding.

6. Subject to the New Mexico Rules of Evidence, “Confidential” documents may be offered in evidence at trial or any hearing, provided that the proponent of the evidence gives a

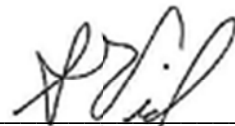
minimum of three days' advance notice to counsel for the party or other person that designated the information as confidential.

7. The parties and their counsel shall take steps reasonably necessary or appropriate to see that no persons receiving access to the Standard Work Process or documents containing the worker names pursuant to this Order shall use, disclose, copy, or record the Standard Work Process or document containing worker names, for any purposes other than the preparation for or conduct of this case.

8. In the event that any person or party ceases to be engaged or involved in this action, the provisions of this Agreed Protective Order shall remain in full force and effect. Any such person or party shall return or destroy any copies of the Standard Work Process and any document containing the worker names as above provided.

9. Following the conclusion of this litigation, all copies of the Standard Work Process and documents containing worker names shall be returned or destroyed.

IT SO ORDERED.



The Honorable Stephan¹ M. Vidmar
United States Magistrate Judge

¹ The only alterations to this stipulated order are the addition of this footnote and the correction of the spelling of Judge Vidmar's name.

Approved by:

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: /s/Susan Bisong
Timothy L. Fields
Susan Bisong
Attorneys for Otis Elevator Company
Post Office Box 2168
Bank of America Centre
500 Fourth Street NW, Suite 1000
Albuquerque, New Mexico 87103-2168
Telephone: 505.848.1800

And

By: Approved via facsimile on 7/8/13
Robert E. Riojas
The Riojas Law Firm, P.C.
2035 Grant Ave.
El Paso, TX 79930
Attorneys for Plaintiff

Y:\dox\client\58136\0121\PLEADING\W1956705.DOCX